

FILED IN OPEN COURT
U.S.D.C. - Atlanta

JAN 27 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

UNITED STATES OF AMERICA :
 :
 v. :
 : CRIMINAL INFORMATION
LAWANDA MITCHELL :
 : No. 1:11-CR-029-RWS
 :
 :

THE UNITED STATES ATTORNEY CHARGES THAT:

Count One - Wire Fraud

1. In or about January 2009, in the Northern District of Georgia, defendant LAWANDA MITCHELL, aided and abetted by others, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud persons and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

2. It was part of the scheme and artifice to defraud for T.B. to obtain from K.K. identification documents of United States military personnel that was photocopied and transferred by K.K. without authority, and to give the servicemembers' personal information to defendant LAWANDA MITCHELL for the creation and

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filing by defendant LAWANDA MITCHELL and others of fraudulent federal income tax returns in the servicemembers' names, for the purpose of sharing any and all tax refunds fraudulently obtained through this scheme with K.K. and T.B., among others.

3. On or about May 17, 2010, in the Northern District of Georgia, defendant LAWANDA MITCHELL, for the purpose of executing and attempting to execute the aforesaid scheme to defraud, did cause to be transmitted in interstate commerce, by means of wire communications, certain signs, signals, and sounds, to wit, the electronic transfer of \$3,300.00 in payment of a tax refund fraudulently applied for and electronically filed on or about March 15, 2010 in the name of C.C., a servicemember in the United States Navy, all in violation of Title 18, United States Code, Sections 1343 and 2.

Count Two -- Aggravated Identity Theft

On or about March 1, 2010, in the Northern District of Georgia, defendant LAWANDA MITCHELL, during and in relation to the wire fraud offense alleged in Count One, knowingly possessed and transferred without lawful authority a means of identification of another person, to wit, the Georgia driver's license and Social Security Card of C.C., in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

FORFEITURE PROVISION

1. The allegations contained in Count One of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 1343 set forth in Count One of this Information, the defendant, LAWANDA MITCHELL, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense. The property to be forfeited includes, but is not limited to, the following:

(a) MONEY JUDGMENT: A sum of United States Currency representing the amount of proceeds obtained a result of the offense.

3. Further, if any of the property described as being subject to forfeiture, as a result of any act or omission of the defendant;

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;

- (c) has been placed beyond the jurisdiction of this Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1), to seek forfeiture of any other property of defendant LAWANDA MITCHELL.


SALLY QUILLIAN YATES
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